

10 from the arcuate portion, wherein the arcuate portions of the inner edges of the legs cooperate to define an opening between the legs toward the leg forward ends, and wherein the linear portions of the leg inner edges face each other and extend between the rearward end of each leg and the arcuate portion, and wherein the outer edge of each leg defines an arcuate outward curvature extending rearwardly of the head and terminating toward the leg rearward end, and wherein the linear portion of each leg inner edge is located forwardly of the termination of the outer edge of each leg.

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REMARKS

In the Office Action, claims 3-5, 16 and 29-38 were rejected under 35 USC §102(b) as being anticipated by Freeman et al. Claims 17, 18 and 26 were rejected under USC §103(a) as being unpatentable over Adam in view of Freeman et al. Claims 6-15 were rejected under USC §103(a) as being unpatentable over Freeman et al in view of Koonz et al. Claims 2 and 27-28 were allowed.

The cited references have been discussed in previous papers, and further discussion will be presented as needed.

The primary applied reference is Freeman et al, which shows several lure embodiments having a pair of legs which extend rearwardly from a head. The legs define inner edges which are divergent in a forward-to-rearward direction. At the forward ends of the legs, slits extend outwardly and forwardly to define a triangular section located rearwardly of the center of the head between the forward ends of the legs. The slits do not define an opening or void area between the legs, and form an inner edge which is pointed and contains abrupt segmented sections.

The claims have been amended in a manner believed to patentably define over the references.

Initially, claim 29 is amended to specify that a rear section of the artificial bait structure defines an opening having a closed forward end and an open rearward end. The closed forward end of the opening is defined by a smooth, continuous edge, and the rear section is specified as defining a pair of legs located on opposite sides of the opening. Each leg is set forth as defining a forward end and a rearward end. Each leg is further specified as defining an

increasing width rearwardly of its forward end, in a forward-to-rearward direction, such that at least a portion of each leg located toward the leg rearward end has a width greater than a portion of each leg located toward the leg forward end. Each leg is further specified as defining a maximum width location rearwardly of the opening, and the legs are specified as being separated from each other by the open rearward end of the opening.

As noted above, the slit area forming the forward leg portions of Freeman et al defines an abrupt, segmented edge, which is not seen to be an opening as claimed. Further, Freeman et al contains no showing or suggestion of an opening which has a closed forward end defined by a smooth, continuous edge, as claimed. Freeman et al further contains no showing or suggestion of legs which define a maximum width location rearwardly of the opening, with the legs being separated from each other by the open rearward end of the opening, as claimed.

In the present invention, the opening is located rearwardly of the head and forwardly of the maximum width locations of the legs, and allows water to flow through as the bait structure is pulled through the water. This flow of water acts on the legs to cause the legs to flutter up and down and to spread apart and toward each other, to attract fish. The smooth, continuous edge of the opening allows even flow of water through the opening. It can be readily appreciated that Freeman et al contains no such structure through which water is allowed to flow, and thus would not provide the flutter capabilities for the legs as can be accomplished with the present invention.

For the above reasons, claim 29 is believed to patentably define over Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 29 and its dependent claims 3-16, 30 and 31 are believed to patentably define over the references, and are allowable.

Claim 17 specifies that the inner edge of each leg includes a generally linear portion adjacent the rearward end of the leg. In addition, claim 17 has been amended to state that the inner edge of each leg further includes an outwardly curved smooth, continuous arcuate portion extending toward the outer edge of the leg forwardly of the linear portion. The outwardly curved

arcuate portions of the leg inner edges are specified as cooperating to define a void area between the legs rearwardly of the head. The legs have a first width adjacent the head and a second width greater than the first width at a location rearwardly of the void area.

As noted previously, Freeman et al is not seen to show or suggest outwardly curved smooth, continuous arcuate portions on the inner edges of the legs, as claimed. Rather, Freeman et al, if seen to show an opening at all, discloses a segmented structure with sharp corners. Freeman et al is not seen to show or suggest the claimed subject matter for this reason and as set forth above, and accordingly claim 17 is believed to patentably define over Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 17 is believed allowable.

Claims 18 and 32 are amended along the same lines as claims 29 and 17. For the same reasons as noted above, it is thus believed that claims 18 and 32, as well as dependent claims 33-38, define subject matter patentable over the references.

Applicant's attorney has made every effort to place the application into condition for allowance with claims 2-18 and 26-38, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

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